

Notice of Allowability

Application No.

10/046,742

Examiner

Yvette C. Thornton

Applicant(s)

NAMBA ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 1/21/05.
2. ☒ The allowed claim(s) is/are 1-3 and 5-7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 01062005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

This is written in reference to application number 10/046742 filed on January 17, 2002 and published as US 2002/0147259 A1 on October 10, 2002.

Request for Continued Examination (RCE)

1. The request filed on January 21, 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/046742 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 1-7 are currently pending. Claim 7 is newly added.

Information Disclosure Statement

3. The Information Disclosure Statement(s) filed on January 6, 2005 has/(have) been entered and fully considered.

Oath/Declaration

4. The examiner acknowledges the declaration submitted pursuant to 37 CFR 1.132 by inventor Junji Nakanishi on March 16, 2005.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

6. Authorization for this examiner's amendment was given in a telephone interview with Andrew Meikle on April 29, 2005.

The application has been amended as follows:

- Please cancel claim 4;

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- In claim 6, delete lines 3-6 and insert --sulfonium salt is triphenylsulfonium 2,4,6-triisopropylbenzenesulfonate--.

Allowable Subject Matter

7. Claims 1-3 and 5-7 are allowed.

8. The following is an examiner's statement of reasons for allowance: the declaration evidence filed by inventor Junji Nakanishi was convincing to show unexpected results in comparison with the cited prior art. One of ordinary skill in the art would expect that all well known and conventional plasticizers would have the same affect in a given photoresist composition. However, the said declaration has shown that a composition of the claimed invention containing propylene glycol in comparison with a composition containing no additive (comp. Exp. 10) and compositions comprising other know plasticizers as taught by the secondary reference of Nakurama (US 6,514,656), produces a pattern having no scum at exposed parts, when evaluated with a scanning electron microscope. The other said compositions show one or more scum under the same evaluation. Therefore, the said declaration evidence is sufficient to overcome the rejection set forth under 35 USC 103.

9. Pursuant to MPEP 822.01, the double patenting rejection set forth in the previous office action over copending U.S. applications 10/254598 and 10/084182 is hereby withdrawn. Cited U.S. application 10/233519 has been issued as US Patent 6,828,079. However the patented claims do not read on the claimed invention. Therefore, the double patenting rejection over application 10/233519 is hereby withdrawn.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

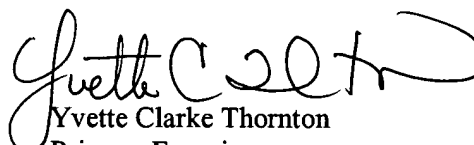
Conclusion

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette C. Thornton whose telephone number is 571-272-1336. The examiner can normally be reached on Monday-Thursday 8-6:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvette Clarke Thornton
Primary Examiner
Art Unit 1752

yct
April 29, 2005